

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF BRONX: BOARD OF ELECTIONS

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3 REVEREND VERDELL MACK, SHANIQUA TURNER, AND
4 RENEE MCKENZIE,

Index:
260706/14

5

Petitioners,

6

-against-

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8 LATOYA JOYNER and THE BOARD OF ELECTIONS IN
9 THE CITY OF NEW YORK,

10

Respondents.

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1780 Grand Concourse
Bronx, New York 10451
July 31, 2014

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B E F O R E:

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NINA RUSNAK,
Special Referee

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15 A P P E A R A N C E S:

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LAW OFFICE OF DONALD R. DUNN
Attorney for Petitioners
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Bronx, New York 10454
BY: DONALD R. DUNN, ESQ.

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Tal R. Hahn,
Supreme Court Reporter

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1 THE COURT: All right. Good morning. This is the
2 petition to invalidate the candidacy of Latoya Joyner, Index
3 Number 260706 of 2014.

4 Appearances please.

5 MR. SCHLEIN: For the respondent, Latoya Joyner,
6 Stanley Schlein, 481 King Avenue, Bronx, New York.

7 MR. DUNN: And for the petitioners, Donald Dunn,
8 Law Office of Donald R. Dunn, 441 East 139th Street, Bronx,
9 New York, 10454.

10 THE COURT: And I am Nina Rusnak, the referee
11 assigned. There was no clerk's report I understand.

12 MR. DUNN: Yes. That is my understanding.

13 THE COURT: Because the specs were not filed
14 correctly.

15 MR. DUNN: I understand there was an official
16 defect with the affidavit of service with specifications.
17 But we have served and filed a Bill of Particulars on behalf
18 of the petitioners.

19 THE COURT: Which the Court has received. And Mr.
20 Schlein, you received it as well.

21 MR. SCHLEIN: Yes, I have.

22 THE COURT: How do you wish to proceed?

23 MR. SCHLEIN: If I may, are there any predicate
24 statements necessary to be made by the Court as to oath and
25 transcripts and the like?

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1 THE COURT: I believe Mr. Segreti covered that
2 calendar yesterday. But -- if anyone wants a transcript,
3 they have to order it. I assume everyone wants a written
4 report.

5 MR. SCHLEIN: That's correct.

6 THE COURT: Since I am a referee, I don't think I
7 need to take a referee oath.

8 MR. SCHLEIN: My sole concern was that we do, in
9 fact, have a referee's report.

10 If I may, your Honor, trying to sort of put some
11 kind of coherence to the schedule in this particular
12 litigation, we ask, in fact, receive Mr. Done's Bill of
13 Particulars with line-by-line objections yesterday. He
14 alleges in that document that the starting point of the
15 Joyner petitions contains 2,513 signatures, because of the
16 failure to have a specifications reviewed by the Board of
17 Elections, all those are deemed valid as a starting point.

18 He alleges 2,085 are invalid. The predominant
19 number of those allegations, if one were to skim through the
20 filing, both the Court's copy and my copy, are that there
21 are an overwhelming number of forgeries alleged in this
22 petition.

23 In addition , of course, there are some
24 allegations of not registered, not enrolled and out of
25 district and illegible --

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1 THE COURT: And subscribing witnesses, I believe.

2 MR. SCHLEIN: His application to the subscribing
3 witnesses is also as a matter of forgery.

4 THE COURT: Okay.

5 MR. SCHLEIN: Without any commentary on the
6 validity of that, we will have a person here at 11:30 this
7 morning to start working on the line-by-line allegations.
8 This is a very short proceeding in terms of time allocated
9 for it, and we wish to preserve this petition and move
10 forward on this allegation as expeditiously as possible,
11 your Honor.

12 THE COURT: Okay.

13 MR. SCHLEIN: We would also urge upon the Court a
14 direction since he is alleging that over ninety-two,
15 ninety-three percent of this petition is invalid on a
16 line-by-line basis, that the Court adopt some sort of weight
17 test, that if, in fact, after reviewing a certain number of
18 pages the Court determines that, in fact, these allegations
19 do not meet -- are not meritorious, that the Court issue a
20 direction to cease that process on the line-by-line
21 component for -- we would certainly urge upon the Court a
22 finding that such Bill of Particulars at that point would be
23 frivolous.

24 THE COURT: Well, I think what we will do, after
25 each petition, we do each petition individually and review

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1 what has happened.

2 MR. SCHLEIN: Is it the Court's direction to
3 review each one of these allegations.

4 THE COURT: We will start with the system and then
5 start with one petition and see where we are headed.

6 MR. SCHLEIN: Well, that is -- that is what I am
7 trying to avoid. Specifically maybe I was not clear. This
8 document is a separate component of his allegations.

9 THE COURT: In order to do line-by-line you have
10 to start with a line-by-line.

11 MR. SCHLEIN: Right. We have a person --

12 THE COURT: Exactly. I understand that.

13 MR. SCHLEIN: -- to set aside and go over that
14 with somebody.

15 THE COURT: Okay.

16 MR. SCHLEIN: If it's you because you are take
17 testimony, then that process gets deferred. We don't want
18 to wait and wait and wait --

19 THE COURT: Mr. D'Alessandro is available this
20 morning.

21 MR. SCHLEIN: Terrific. And, therefore, if, in
22 fact, if Mr. D'Alessandro does not find substantial weight
23 or merit to these line-by-line allegations, we would urge
24 upon the Court a determination at this point to cease that
25 process before the conclusion of this expansive process.

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1 THE COURT: Well, we will reserve for decision on
2 that until we see what develops.

3 MR. SCHLEIN: Now, there are witnesses that Mr.
4 Dunn has subpoenaed and who are here.

5 Are we going to make opening statements with
6 respect to the allegations of fraud?

7 THE COURT: Mr. Dunn, do you want to make opening
8 statements?

9 MR. DUNN: Actually, I would just like to be heard
10 on some of the points that Mr. Schlein raised. With respect
11 to the line-by-lines and the allegation of numerous
12 allegations of forgery, as set forth in the verified
13 petition as we believe will be demonstrated here at trial,
14 there are numerous infirmities with respect to the
15 subscribing witnesses to the Joyner petition.

16 For example, again, as set forth with
17 particularity, Mr. Nicholas Brown purportedly witnessed some
18 eighteen sheets of the Joyner petition Volume 198 of the
19 petition, and in addition to the numerous indicia of fraud
20 surrounding this witness statement, we have induced an
21 affidavit and will induce testimony from the person who owns
22 the residence where Mr. Brown reportedly resides. And he
23 will testify there is no Nicholas Brown residing at that
24 location.

25 Our position -- there are other infirmities, and

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1 our position is where as here there is testimonial and
2 documentary evidence where a subscribing witness has
3 committed a misrepresentation or fraud in their subscribing
4 witness statement, every single signature that such a
5 witness allegedly witnessed is presumptively fraudulent.
6 And for this reason, I think it's more sensible to take at
7 least a few days of testimony to see whether -- to what
8 extent we are able to prove what we are setting out to prove
9 with respect to the infirmities that relate to the
10 subscribing witness and then conduct the line-by-lines.

11 I think that that will in some ways address the
12 weight test that Mr. Schlein alludes to; to the extent that
13 we are able to show numerous instances of fraud. I think we
14 are in a stronger position to prevail upon --

15 THE COURT: Okay.

16 MR. DUNN: -- to indulge on that. I would ask the
17 Court to hold in abeyance any decision on a weight test, and
18 tentatively schedule the line-by-lines to commence Wednesday
19 morning. We will have a team of three people here Wednesday
20 morning and we could do each of the volumes at the same time
21 simultaneous.

22 MR. SCHLEIN: Absolutely not. If I may be heard?

23 THE COURT: Give me a tentative witness schedule.

24 MR. DUNN: This morning we have four witnesses who
25 are here.

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1 THE COURT: Who are they?

2 MR. DUNN: One of them --

3 THE COURT: Are they subscribing witnesses?

4 MR. DUNN: One is the -- purported signatory and
5 three of them are subscribing witnesses.

6 THE COURT: Okay.

7 MR. DUNN: Tomorrow we have two signatories coming
8 in. As of now that is all I have confirmed for tomorrow.
9 And Monday we have so far two additional witnesses. Neither
10 of them are signatories -- pardon me -- subscribing
11 witnesses, but their testimony relates to the fraudulent
12 nature of subscribing witness statements.

13 I understand from conversations yesterday that
14 perhaps Mr. Schlein will be otherwise engaged on Tuesday
15 with one of the other matters, which is why I suggested
16 testimony this morning, tomorrow and Monday with a
17 line-by-line to be conducted on Wednesday.

18 To the extent that Mr. Schlein and his team are
19 available on Tuesday, certainly we could do it then. In
20 terms of opening statements I intend to hold my opening
21 remarks in abeyance to take the testimony from the witnesses
22 and let them get back to their days.

23 THE COURT: With respect to the line-by-line I
24 think Wednesday is too late. It's twenty-five hundred
25 signatures. That is a short period of time if we have to do

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1 all the signatures depending on the line-by-line, how it
2 goes.

3 MR. SCHLEIN: Your Honor, I have to proses in the
4 strongest possible terms. We were directed by the Court
5 yesterday and prepared to proceed on these litigations
6 forthwith today. We have brought a person and a team to
7 come here to address the allegations made by Mr. Dunn on the
8 line-by-line basis. When he alleges that over ninety
9 percent of this petition on a line-by-line basis is deemed
10 to be forged, we have a right to be heard on that, and not
11 defer that issue. He made the allegations. We are prepared
12 to stand up and address it. We were directed by the Court
13 to have a team available to do that independent of
14 testimony, and we urge the Court to enable that process to
15 commence forthwith.

16 THE COURT: With respect this morning, a Bill of
17 Particulars weren't even due until this afternoon. We will
18 hear testimony this morning and see how we proceed this
19 afternoon.

20 MR. SCHLEIN: Thank you.

21 THE COURT: You are deferring opening statements?

22 MR. DUNN: I am.

23 THE COURT: Okay.

24 MR. SCHLEIN: I am not. Your Honor --

25 MR. DUNN: Pardon my interruption. Could we make

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1 sure there are no potential witnesses in the room before we
2 begin? The only person at the table is Mr.?

3 MR. SCHLEIN: Mr. Catalla. He is my client.

4 (Brief pause.)

5 THE COURT: Mr. Schlein.

6 MR. SCHLEIN: Your Honor, we received a petition,
7 an Order to Show Cause in this matter which alleges a newly
8 conceived subject of alleged fraud from Mr. Dunn. And that
9 is called petition padding. He creates a concept and a
10 construct out of thin air. His pleadings contain hyperbole
11 after exaggeration, after false allegation and says,
12 effectively, that if you submit a substantial number of
13 signatures, and some are deemed not to be valid, therefore,
14 you must consider that process to be petition padding
15 inasmuch as we are just, you know, community-based
16 individuals and don't have the resources and opportunity to
17 do a thorough job and ferret out the good signatures from
18 the bad signatures.

19 And based upon that process fraud should be
20 ascribed to the designating petition. That theory is, in
21 fact, belied by Mr. Dunn's own work product. We jocularly
22 talked before going on the record of how many trees he
23 killed to produce his Bill of Particulars, work product,
24 line-by-line allegations, subpoenas, and other documents we
25 received by him, all of which are in highly detailed

Ollie Moss - Petitioner - Direct

1 affidavits making allegations, hearsay allegations with
2 respect to the petition of Latoya Joyner. But, again, it is
3 only that the evidence under oath on this record will be the
4 determining factor we hope that the Court will render its
5 decision on. And we are prepared to proceed and take the
6 testimony of these witnesses, and again go line-by-line on
7 this petition and not permit Mr. Dunn and his colleagues to
8 have a fishing expedition to see if we throw it against the
9 wall, what sticks.

10 And so we are distressed with that approach. We
11 believe the Court should reject the theory in any event in
12 entirety because it's not consistent with law, rule or
13 regulation where the case is decided by the courts of the
14 City of New York as to what constitutes fraud. With that
15 said, we are prepared to hear from the witnesses.

16 THE COURT: Call your first witness.

17 MR. DUNN: I would like to call Ollie Moss.

18 THE COURT: Good morning. Raise your right hand.

19 O L L I E M O S S, called by the Petitioner herein, having
20 been first duly sworn, was examined and testified as follows:

21 THE COURT: State your name for the record.

22 THE WITNESS: O-L-L-I-E, last name is M-O-S-S.

23 DIRECT EXAMINATION

24 BY MR. SCHLEIN:

25 Q. What is your address please?

Ollie Moss - Petitioner - Direct

1 A. 315 167th Street, Bronx, New York, 10456.

2 Q. Are you a registered democrat?

3 A. Yes, I am.

4 Q. I'd like to show you a document please.

5 MR. DUNN: And let the record reflect that I am
6 showing the witness Volume BX 1400199, page 57.

7 Mr. Schlein, take a look at that first.

8 MR. SCHLEIN: Yes.

9 MR. DUNN: Okay.

10 MR. SCHLEIN: Let me see it one more time.

11 (Brief pause.)

12 MR. SCHLEIN: Page 57.

13 MR. DUNN: Yes.

14 Q. Okay. I would like you to take a look at that and let
15 me know if you've ever seen this document before.

16 A. Yes.

17 Q. Have you?

18 A. Yes.

19 Q. And when did you see this document?

20 A. You mean the date? I don't remember the date.

21 Q. How -- who showed it to you?

22 A. My girlfriend, I did the paper with her. Justine
23 Simmons, she is the one that did the paper. My neighbor. My son
24 and -- that is my name and my son's name right there.

25 Q. You are pointing to line 1. That is your name there?

Ollie Moss - Petitioner - Direct

1 A. Yes, Ollie Moss.

2 Q. Is that your address?

3 A. Yes.

4 Q. And is that your --

5 MR. SCHLEIN: Let the record reflect the specific
6 address please for the --

7 A. 315 East 167th Street.

8 Q. And is that your signature there?

9 A. Yes.

10 Q. And the line below that, it says Craig Moss.

11 A. That is my son.

12 Q. Is that your son?

13 A. Yes.

14 Q. And do you recognize that as his signature?

15 MR. SCHLEIN: Objection. Soliciting hearsay.

16 THE COURT: All right.

17 MR. DUNN: Withdrawn.

18 Q. Would you recognize your son's signature?

19 A. Um, not really. Maybe I would. I think that is his --
20 he signed it right after I did. I signed it first when she came
21 into the house.

22 Q. So your son was there with you?

23 A. Yes.

24 Q. Did you see him sign?

25 A. Yes.

Ollie Moss - Petitioner - Cross

1 MR. DUNN: One moment please.

2 (Brief pause.)

3 Q. And, Ms. Moss, did you discuss your testimony here
4 today with anyone?

5 A. Yes.

6 Q. Who did you discuss it with?

7 A. I talked about it because -- you mean coming -- for
8 coming here? Yes.

9 Q. Okay.

10 A. Maxine.

11 Q. And did you discuss it with anyone else?

12 A. Yes, the lady here.

13 Q. And who is that?

14 A. Justine Simmons. She lives across the street from me.

15 Q. And do you know who she is?

16 A. Yes, we are in the Democratic club and do the polls
17 together.

18 THE COURT: Did you see Justine Simmons?

19 THE WITNESS: I call her Trell Simmons, T-R-E-L-L.

20 Q. Thank you very much for your time. I don't have any
21 further questions.

22 MR. SCHLEIN: But I do. One or two questions.

23 CROSS-EXAMINATION

24 BY MR. SCHLEIN:

25 Q. Ms. Moss, how did it come about that you came here

Ollie Moss - Petitioner - Cross

1 today?

2 A. They came to my house, two men, and gave me two summons
3 to come here.

4 Q. Do you have a copy of that summons?

5 A. Yes.

6 (Brief pause.)

7 (Document submitted.)

8 Q. Did she say anything to you?

9 A. They didn't know much they self. They pick up the
10 duty. First they told me I have to go to the 161st Street court.
11 Then I read it and it said 1780.

12 Q. I notice there is a check in the papers you just handed
13 me with a subpoena; is that correct?

14 A. Yes.

15 Q. Check is made out to you?

16 A. No, not made out to me. The name is on the top.

17 Q. In fact, there is no name on this check.

18 A. No.

19 MR. SCHLEIN: Your Honor, I would ask that the
20 Court identify this check for purposes of --

21 THE COURT: You want it marked as Respondent's 1?

22 MR. SCHLEIN: Yes. Let's mark it first.

23 (Whereupon, Respondent's Exhibit 1 was received
24 and marked into evidence at this time.)

25 MR. SCHLEIN: Perhaps we could deem it marked

Ollie Moss - Petitioner - Cross

1 afterwards because this is a --

2 THE COURT: Yes.

3 Q. I notice there is no name on the check; is that
4 correct?

5 A. That's right.

6 Q. And what is the amount of money set forth in the -- on
7 the check?

8 A. \$15.00.

9 MR. SCHLEIN: Your Honor, the Court could take
10 judicial notice that this check was handed to me with the
11 trial subpoena given to Ms. Moss. I would like that
12 identified as well.

13 (Documents submitted.)

14 THE COURT: You want this marked in evidence as
15 well?

16 MR. SCHLEIN: Yes, please.

17 (Whereupon, Respondent's Exhibit 2 was received
18 and marked into evidence at this time.)

19 THE COURT: No payee? I will take judicial notice
20 of that.

21 MR. SCHLEIN: Yes. Thank you.

22 I know Mr. Dunn would join me in this application
23 to put Ms. Moss' name on the check since she did, in fact,
24 come here pursuant to his request and his subpoena and to
25 provide her with the additional \$3.00 that is due under the

Ollie Moss - Petitioner - Cross

1 law.

2 MR. DUNN: No objection to either of those.

3 MR. SCHLEIN: Good. So let's do that now so at
4 least Ms. Moss could have the money she was entitled to.
5 Since it -- you have \$3.00 to hand her.

6 THE COURT: I don't think you need that for the
7 record.

8 MR. SCHLEIN: I have no further questions.

9 THE WITNESS: Can I ask you, what about the one
10 for my son? He is finished?

11 MR. SCHLEIN: He is not here.

12 THE WITNESS: Only one of us had to come anyway,
13 right?

14 MR. SCHLEIN: That is up to Mr. Dunn.

15 THE WITNESS: I don't see no check or nothing.

16 MR. DUNN: My understanding was that you were
17 served with the subpoena and your son was not.

18 MR. SCHLEIN: Okay. That answers that. I want to
19 thank you very much for your participation.

20 THE COURT: Thank you, Ms. Moss.

21 MR. SCHLEIN: I know these gentleman will give you
22 the other \$3.00 you are entitled to.

23 (Witness excused.)

24 THE COURT: All right.

25 MR. DUNN: The next witness I would like to call

Paul Little - Petitioner - Direct

1 is Paul Little.

2 THE COURT: Good morning. Raise your right hand.

3 P A U L L I T T L E, called by and on behalf of the
4 Petitioner, having been first duly sworn, was examined and
5 testified as follows:

6 THE COURT: State your name for the record.

7 THE WITNESS: Paul Little.

8 THE COURT: You wish to inquire?

9 DIRECT EXAMINATION

10 BY MR. DUNN:

11 Q. Mr. Little, good morning.

12 A. Good morning.

13 Q. What is your address, Mr. Little?

14 A. 1020 Grand Concourse.

15 Q. I would like to show you a document, Mr. Little.

16 Before I do so, I will show it to opposing counsel and note 74
17 and 75.

18 MR. SCHLEIN: And 75?

19 MR. DUNN: Yes.

20 (Document submitted.)

21 (Brief pause.)

22 MR. SCHLEIN: Any particular line?

23 MR. DUNN: No, those two sheets.

24 THE COURT: This is Volume 199?

25 MR. DUNN: 198. 74 and 75.

Paul Little - Petitioner - Direct

1 THE COURT: Okay.

2 Q. Mr. Little, take a look at this.

3 Do you recognize this document?

4 A. You mean from here down?

5 Q. The entire document. Have you ever seen that before?

6 MR. SCHLEIN: Can I see it again? I apologize.

7 Just tell me the pages.

8 MR. DUNN: 74 and 75.

9 MR. SCHLEIN: Go ahead. Sorry, Mr. Little.

10 A. Yes.

11 Q. Yes?

12 A. Yes.

13 Q. And is that your name and address down at the bottom

14 under the statement of witness section?

15 A. Yes.

16 Q. Is that your signature?

17 A. This is my signature here, yes.

18 Q. And on the very next page, Mr. Little, page 75.

19 Could you please flip to that page?

20 A. Yes.

21 Q. I will ask you the same question. If you recognize

22 page 75.

23 (Brief pause.)

24 A. Can I go back?

25 Q. Yes, you can.

Paul Little - Petitioner - Direct

1 (Brief pause.)

2 A. Yes, this is mine.

3 Q. Okay. And do you know what this document is,
4 Mr. Little?

5 A. Yes. This is the petition that be -- have people to
6 sign that for the Democratic club and whatever.

7 Q. How did you come to that understanding of what this
8 document is?

9 A. Well, each member, if I am correctly, each member want
10 everyone to go around and see who sign petition to remain to be
11 Democrat. All I know.

12 Q. And when you say "each member", member of what?

13 A. The Democratic club. Only go to the Democrat people.

14 Q. Have you ever gathered signatures for designating
15 petitions?

16 A. Only for the people that I know, that -- you know, I
17 don't go knocking on anybody's door. I live in the big building.
18 So when you come down, I will catch them in the hallway or
19 whatever.

20 Q. And is that what you did with this petition?

21 A. Yes.

22 Q. And did you ever -- other than this petition, Latoya
23 Joyner, did you ever gather signatures for anyone else's position
24 in any sort of political --

25 MR. SCHLEIN: Objection as to the scope of the

Paul Little - Petitioner - Direct

1 question. Relevance. Did you ever get in his life? This
2 year? Ever when?

3 MR. DUNN: Ever in his life. I am interested in
4 whether and to what extent.

5 THE COURT: Did you do it last year?

6 THE WITNESS: Not last year. No. I did it the
7 last four or five years. This year I did it.

8 Q. How did you get these petition sheets?

9 A. From our Democrat club.

10 Q. Who gave them to you?

11 A. Well, I guess -- the Democrat club, Vanessa and the
12 people. Gibson. She didn't give it to me directly. But people
13 from the office.

14 Q. What office is that?

15 A. Well, her office is on -- well, 170th Street and Jerome
16 I think.

17 Q. And is that where you received the petition sheets?

18 A. We was at the meeting and that is where they give the
19 petitions out, at the club meeting.

20 Q. Do you know who gave it to you, who gave you the --

21 MR. SCHLEIN: Objection; asked and answered.

22 A. I don't know the name, no.

23 Q. And when was this?

24 A. I can't tell you exact what date. Let me see. This is
25 July. I think sometime back in March I think. March or April, I

Paul Little - Petitioner - Direct

1 believe.

2 Q. Okay.

3 A. Before we had the primary.

4 Q. And when you received these petition sheets what, if
5 anything, were you told?

6 A. I don't know what you mean.

7 Q. Were you given any instructions about how to complete
8 the sheets?

9 A. Yes -- how you say -- each person -- anybody just can't
10 sign the sheet. You have to do inside the building, not on the
11 outside. You have to do it on the inside of the building. You
12 can't go around asking anybody to do it.

13 Q. Thank you for that. But I am not sure it quite answers
14 the question I asked, which is when you were given these
15 petitions sheets, were you given any instructions about how to
16 complete the sheets?

17 A. Well, yes. I just can't recall how he did it.

18 Q. When did you start gathering signatures for the
19 petition?

20 A. You mean -- I got it that night, that afternoon, the
21 following day. I think about three or four days later.

22 Q. I am not sure I understand the answer. You said the
23 following day?

24 A. The following day I got a few signatures and next day
25 after -- I think I did it for four or five days.

Paul Little - Petitioner - Direct

1 Q. Where did you go first to get your first signature?

2 A. In my building.

3 Q. Okay.

4 A. I didn't go out. I didn't go to no other building but
5 inside my building.

6 Q. Did you knock on anybody's door?

7 A. I didn't knock on nobody's door. I was at the mailbox
8 or at the front desk of my building. And two persons that had
9 the name there, you had the name there, my lady friend and her
10 daughter live in my building so I got them, me and my partner.

11 Q. And you said it was about four or five days that you --

12 A. I did about four or five days.

13 Q. What happened after that?

14 A. I turned the papers in.

15 Q. Who did you turn them into?

16 A. Into the office.

17 Q. What office is that, sir?

18 A. The club.

19 Q. Are you referring to the Democratic club?

20 A. Yes.

21 Q. And who did you give the petition sheets to at the
22 club?

23 A. I can't recall the name. I don't know them.

24 Q. Was it a person or --

25 A. It was a lady, yes.

Paul Little - Petitioner - Direct

1 Q. And the lady you gave the petition sheets to, did she
2 say anything to you?

3 A. Thank you and that was it.

4 Q. And did anybody review the sheets with you?

5 MR. SCHLEIN: Objection as to what point in time.

6 Q. Withdrawn. When you submitted your petition sheets to
7 this lady, did she say anything to you about the sheets?

8 A. No, we had -- I had to sign my name that I give it to
9 her on that date. That is about it.

10 Q. I will call your attention again to page 74 and 75, the
11 two sheets that I showed you earlier that have your signature on
12 it. I will ask you with this first sheet, page 74, was this the
13 first or the second sheet that you completed?

14 MR. SCHLEIN: Objection, your Honor. The sheets
15 were not paginated at the time that --

16 THE COURT: If he remembers.

17 MR. SCHLEIN: It's impossible. Excuse me, your
18 Honor. It's a question that has an impossible answer to be
19 elicited. First or second sheet --

20 THE COURT: He may remember which person signed
21 first. If you remember.

22 A. Yes, the second sheet.

23 MR. SCHLEIN: Then I withdraw, Judge.

24 Q. So page 75 then, the next page, is that then the first
25 sheet you did?

Paul Little - Petitioner - Direct

1 A. Yes, the first sheet I did.

2 Q. After you gathered all fifteen signatures on that sheet
3 and the sheet, what did you do with the petition sheet?

4 A. How you mean?

5 Q. Did you do anything with it once it was full? For
6 example, did you sign it?

7 A. Yes, I signed it.

8 Q. When did you sign it?

9 A. I guess -- on the 11th, I believe, I signed it on the
10 11th.

11 Q. I notice you are pointing to your date on the signature
12 there, June 11th.

13 A. Yes.

14 Q. Did you write that date next to your signature?

15 A. Yes.

16 Q. And what about the other dates on this sheet, sir? You
17 see the first column there next to each voter's signature and
18 name.

19 Who wrote those dates?

20 A. I wrote the date. This is my writing.

21 Q. Okay.

22 A. All of this is my writing.

23 Q. And during the process of gathering these signatures,
24 sir, did anybody ask you any questions about the petition sheet?

25 MR. SCHLEIN: Objection. Did anybody ask you

Paul Little - Petitioner - Direct

1 questions? People signed it, didn't sign it --

2 Q. Did anybody who you asked for their signature ask you
3 questions about the sheet or what it was for?

4 A. Well, yes. They asked me and I tell them it was --
5 this person is running for -- to, you know, run -- be -- assembly
6 or whatever, to take Vanessa place.

7 Q. And calling your attention, sir, to this first page,
8 74, to the stickers placed on this sheet.

9 MR. SCHLEIN: May I see that, what you are
10 referring to?

11 MR. DUNN: Yes.

12 (Document submitted.)

13 MR. DUNN: The Democratic County Committee.

14 MR. SCHLEIN: Okay.

15 A. What stickers are you talking about now?

16 Q. Right here, sir. Under the member of the Democratic
17 County Committee. There are stickers with names and addresses on
18 it. You see that?

19 A. Yes.

20 Q. Okay.

21 A. Right here?

22 Q. Yes, sir.

23 A. Okay.

24 Q. And did anybody ask you about those stickers when you
25 were --

Paul Little - Petitioner - Direct

1 MR. SCHLEIN: Objection.

2 THE COURT: Overruled.

3 MR. SCHLEIN: May I give the basis?

4 THE COURT: Yes.

5 MR. SCHLEIN: There is an application to
6 invalidate the candidacy of Latoya Joyner. Has nothing to
7 do with any other party or candidate on this. It's above
8 and beyond the scope of this litigation.

9 MR. DUNN: Actually, not true, your Honor. I
10 would like to ask questions about when those stickers were
11 placed on the ballot, any sort of modification of the
12 petition after the signatories and subscribing witness
13 signed it, to potentially invalidate --

14 MR. SCHLEIN: It does not as a matter of law, or,
15 as a matter of fact, your Honor, there is no objection filed
16 against any member of the County Committee in this
17 litigation. Any questions relating to that or other
18 components of this petition that are not the subject of the
19 Order to Show Cause and petition should be deemed
20 irrelevant.

21 MR. DUNN: It is demonstratively within the scope
22 of this proceeding to probe any irregularities with respect
23 to the Joyner petition. And that would include
24 modifications to the petition sheet after the signatories
25 and witness signed the sheet, wherever those modifications

Paul Little - Petitioner - Cross

1 occurred. It's a two-part question; the first part was
2 already asked, did anybody ask you about the stickers, and
3 the very next question I intend to ask, were they on the
4 sheet --

5 THE COURT: Do you remember if the stickers were
6 on the sheet?

7 THE WITNESS: I can't recall.

8 THE COURT: There you go.

9 THE WITNESS: I can't remember.

10 THE COURT: Move on. Thank you.

11 Q. Mr. Little, were you paid for your work in gathering
12 these signatures?

13 A. No.

14 MR. DUNN: I don't have any further questions.
15 Thank you for your time.

16 MR. SCHLEIN: Just a question or two.

17 THE WITNESS: Sure.

18 CROSS-EXAMINATION

19 BY MR. SCHLEIN:

20 Q. I will really take Mr. Dunn's suggestion for my
21 question.

22 You were not paid for any work on the petition; is that
23 correct?

24 A. Yes.

25 Q. Were you paid to come here today?

J. Jenkins - Petitioner - Direct

1 A. Yes, \$15.00.

2 Q. You have a copy of that check with you, sir?

3 A. No, I don't.

4 Q. Did your name appear on that check?

5 A. It was on the money order.

6 Q. It was on the money order.

7 A. Yes.

8 Q. I know Mr. Dunn would not like to gyp you. When this
9 question is over, Mr. Dunn -- you could leave this table, go home
10 and Mr. Dunn will give you another \$3.00.

11 A. Thank you.

12 THE COURT: Thank you, Mr. Little.

13 (Witness excused.)

14 MR. DUNN: The next person I would like to call is
15 Julia Jenkins please.

16 THE COURT: Good morning. Raise your right hand.

17 J U L I A J E N K I N S, called by and on behalf of the
18 Petitioner herein, having been first duly sworn, was examined and
19 testified as follows:

20 THE COURT: State your name and spell it.

21 THE WITNESS: Julia Jenkins, J-E-N-K-I-N-S.

22 THE COURT: You may.

23 DIRECT EXAMINATION

24 BY MR. DUNN:

25 Q. Good morning. Could you state your address for the

J. Jenkins - Petitioner - Direct

1 record?

2 A. 940 Grand Concourse, 1F, Bronx, New York, 10451.

3 Q. Thank you. My name is Donald Dunn and I represent the
4 petitioners in this proceeding. I will ask you a few questions
5 today. I would like to start by showing you this document. I
6 will show it to opposing counsel first.

7 MR. SCHLEIN: Thank you.

8 MR. DUNN: 43 through 45.

9 MR. SCHLEIN: Through 45?

10 MR. DUNN: Yes, sir.

11 (Documents submitted.)

12 MR. SCHLEIN: Got it. Thank you so much.

13 Q. Take a look at this and tell me if you recognize this
14 document please.

15 (Witness complies.)

16 A. Yes.

17 Q. What is this document?

18 A. This is a ballot, a petition.

19 Q. I am sorry?

20 A. Petition.

21 Q. And whose petition is it?

22 A. It was for Joyner.

23 Q. And what is the purpose of this document?

24 A. To get the people on the ballot -- to get the voters --
25 how do you say it? I am not an attorney. Candidates on the

J. Jenkins - Petitioner - Direct

1 ballot.

2 Q. And what is that understanding of the purpose of this
3 document based upon?

4 MR. SCHLEIN: Objection.

5 THE COURT: Sustained.

6 Q. How do you know that that is what this document is used
7 for?

8 MR. SCHLEIN: Objection; relevance.

9 THE COURT: Sustained.

10 Q. Do you recognize your name and address on the bottom of
11 that sheet, the subscribing witness statement?

12 A. Here (indicating)?

13 Q. Yes.

14 A. Yes.

15 Q. Is that your signature?

16 A. Yes.

17 Q. And same question please on the next two pages if you
18 could confirm --

19 MR. SCHLEIN: Referring to pages 44 and 45, your
20 Honor.

21 THE COURT: Yes.

22 Q. Okay.

23 A. Am I supposed to say yes after every time?

24 THE COURT: It's yes on 43, 44 and 45?

25 THE WITNESS: Absolutely.

J. Jenkins - Petitioner - Direct

1 THE COURT: Thank you.

2 Q. Thank you. Other than the signatures that you
3 witnessed on this petition, which refer to -- we refer to in this
4 proceeding as the Joyner petition, have you ever witnessed
5 signatures for any other candidate in any other race for their --

6 A. Every petition is -- I did this before.

7 Q. Thank you.

8 A. Few years back, but I did it before.

9 Q. And how did you first get the petition sheets,
10 physically obtain these green sheets?

11 A. Through my Democratic club.

12 Q. Okay.

13 A. At the meeting.

14 Q. And where was that meeting please?

15 A. On the Grand Concourse. I don't know the number of the
16 building.

17 Q. And when was that please?

18 A. (No response.)

19 Q. Approximately.

20 A. Approximately.

21 THE COURT: If you remember.

22 A. I really don't remember the exact date.

23 Q. And was it in the winter, the spring?

24 A. It was warm. Spring.

25 Q. And who gave you the petition sheets please?

J. Jenkins - Petitioner - Direct

1 A. Vanessa Gibson.

2 Q. And when you were given these petition sheets, did you
3 receive any instructions on how to complete them or gather
4 signatures?

5 A. You have the other sheet. You have the person that
6 looks at the sheet. For example, if it's my neighbor, I would
7 look at the sheet and see if they vote, if it's the correct
8 address of this person, and then I would knock on the door or see
9 them in the courtyard but not without verifying that the name is
10 on the white sheet or whatever that is called.

11 Q. And the white sheet, what is that called?

12 A. It has the name and address and says Democrat on it.

13 Q. And --

14 A. Name, address -- the name, it had the address and it
15 says dem on it, I remember that.

16 Q. Where did you receive that?

17 A. It came in the folder with the petition.

18 Q. Did anything else come in the folder with the petition?

19 A. No, it was -- was it supposed to?

20 Q. How many petition sheets were you given?

21 A. These three.

22 Q. Okay.

23 A. Just went over that part. These three.

24 Q. And where did you first start gathering petitions?

25 A. I started right here with Baron, my neighbor who was

J. Jenkins - Petitioner - Direct

1 coming home from work.

2 Q. Okay.

3 A. He's a young man and registered voter.

4 THE COURT: That is 43?

5 MR. SCHLEIN: What line is his signature on?

6 Sorry, for --

7 THE WITNESS: First signature. I was going
8 outside and he was coming home from work and he said hi, and
9 I said hi and I said, Baron, I need to see you because he
10 signed petition before because he has been a registered
11 voter for quite some time.

12 Q. And where did you go next?

13 A. I don't know. Look like I saw Jonathan next. He is a
14 young man. He always votes. And then I saw Barbara on the way
15 to church and I walked to her, she always votes. Ms. Mary, her
16 daughter. These people I know. They vote.

17 Q. Okay.

18 A. I wouldn't need a sheet. I know they vote. But I had
19 a sheet to go by, but I know that they are registered Democratic
20 voters.

21 Q. And at the end of your first day of gathering
22 signatures what did you do with the petition sheets that you --

23 A. You mean these? What do I do? I took them back to the
24 house and do what I have to do with them for another day. What
25 do you do?

J. Jenkins - Petitioner - Direct

1 Q. The next day you went out, was that the very next day?

2 A. That I don't remember. I don't remember. There is a
3 such thing as you have your own criteria too.

4 Q. Sure.

5 A. I do not remember.

6 Q. Do you remember approximately what time period you were
7 out gathering signatures? Was it a day, week, month?

8 A. It was more than a day. I don't think it was a month.

9 THE COURT: So in between a day and a month?

10 THE WITNESS: Yes.

11 (Brief pause.)

12 Q. When you finished gathering signatures what happened to
13 the petition sheets next?

14 A. These sheets? These three sheets I took with the
15 folder over to -- on -- to Morris Avenue and I turned them in at
16 Joyner's campaign office and I left and went on a three-day
17 vacation.

18 Q. Where did you go?

19 MR. SCHLEIN: Objection.

20 THE COURT: Sustained.

21 Q. When did you go on vacation?

22 MR. SCHLEIN: Objection.

23 MR. DUNN: It's relevant to the time.

24 MR. SCHLEIN: Withdrawn.

25 A. I don't know. I go on vacation all the time.

J. Jenkins - Petitioner - Direct

1 Q. Do you remember if it was July, June?

2 A. I go on vacation every month.

3 THE COURT: So you don't recall.

4 THE WITNESS: Right. Thank you.

5 Q. When you turned in these sheets on Morris Avenue --

6 A. Yes.

7 Q. -- what was on Morris Avenue? What did you go to

8 Morris for?

9 MR. SCHLEIN: Objection; asked and answered. She
10 stated.

11 THE COURT: Tell him why you went there.

12 Q. Is this a private residence, office --

13 A. Joyner's campaign. Big sign.

14 Q. If you said that, I didn't catch it. I apologize.

15 A. Good. I said it.

16 Q. When you turned in these petition sheets at Ms.

17 Joyner's campaign office, did anybody say anything to you about
18 the sheets?

19 A. Like what?

20 Q. Did you have --

21 A. No, I said something. No one said something to me. I
22 turned them in and I said where is the petition because I need to
23 sign one. I said something.

24 Q. Did they give you one to sign?

25 A. Yes, they did. I was the first signature on that.

J. Jenkins - Petitioner - Direct

1 Q. Speaking of signatures, directing your attention to the
2 bottom of 43, that first signature, when did you sign that sheet?

3 A. When did I sign it?

4 Q. Yes. Did you sign it when you turned it in to the
5 Joyner campaign headquarters, did you sign it at the end of
6 filling up the sheet? When in relation to gathering the
7 signatures and turning in the sheets did you sign the sheet?

8 A. What you mean? You can't sign it until the sheets are
9 complete, as far as I know.

10 THE COURT: He was asking you, did you sign it
11 when you turned it in or after you collected the signatures?

12 THE WITNESS: I signed it in the office. I signed
13 it right there in the office.

14 Q. Did you sign all three of those sheets in the office?

15 A. Yes, I did.

16 Q. You did.

17 A. Yes.

18 Q. And were you asked to sign the sheets in the office?

19 MR. SCHLEIN: Objection; relevance.

20 THE COURT: Overruled.

21 A. Was I asked to sign it?

22 THE COURT: Did someone tell you to sign the
23 sheets or you just did it?

24 A. I said I am supposed to -- no, I said it. I am
25 supposed to sign this. I said it.

J. Jenkins - Petitioner - Direct

1 Q. And then you signed it. Okay. If I may take a look at
2 this please.

3 (Document submitted.)

4 Q. Couple more questions. The date next to your signature
5 on the subscribing witness statement. It says June 13th.

6 Did you write June 13th or did somebody else write it?

7 A. This is my writing. I did this.

8 Q. Thank you.

9 A. Yes.

10 Q. And the dates next to the signatories, did --

11 A. What you mean?

12 Q. I am pointing to the date column right here. Did you
13 write those dates in?

14 A. That doesn't look like mine. What is this? 5/29? No,
15 it doesn't look like I wrote them.

16 Q. Do you know who wrote those dates?

17 A. I don't recall. I don't know if it was like this when
18 I got it. I didn't scrutinize it because I never thought I would
19 be sitting here being asked these questions. I only looked at
20 this part. I knew -- I knew this part, the address, and this
21 part. And that was it. I didn't go over it like it was a term
22 paper. I just had the signatures. I didn't look like, oh, was
23 that already there. That I do not recall.

24 Q. Do you recall if the dates were filled in when you --

25 A. I just said.

J. Jenkins - Petitioner - Direct

1 MR. SCHLEIN: Objection. She didn't recall she
2 said.

3 A. I said that.

4 Q. Ms. Jenkins, you testified earlier that it was
5 definitely more than one day that it took you to gather these
6 signatures; is that right?

7 MR. SCHLEIN: I don't believe that was the record,
8 your Honor.

9 THE COURT: Do you recall how long it took you?

10 THE WITNESS: No.

11 Q. Did you do them all in one day?

12 A. I probably tried.

13 THE COURT: Do you remember if it was more than
14 one day?

15 THE WITNESS: It was more than one day. Next?

16 Q. I will rephrase the question.

17 Did you gather signatures on at least two different
18 dates?

19 A. I did. That I did do.

20 Q. Do you know why each one of these signatures on these
21 three sheets you witnessed are all dated --

22 A. You know what, now that you keep talking about this
23 date, I don't remember these dates being here. I don't know. I
24 don't recall that. You keep saying that. So I don't know. I
25 know there -- people were not supposed to sign until that date, I

J. Jenkins - Petitioner - Cross

1 believe. There was something to that effect. Sound okay? Sound
2 good?

3 Q. I just want you to answer the questions.

4 THE COURT: Just answer the questions, Ms.
5 Jenkins.

6 THE WITNESS: I am trying. Right now I feel like
7 I am -- I am answering to the best of my abilities.

8 Q. I definitely appreciate your answers, Ms. Jenkins.

9 A. I am not sarcastic but --

10 MR. SCHLEIN: You don't remember.

11 THE WITNESS: Not up-front in my head.

12 Q. Absolutely understandable.

13 Final question, did you discuss your testimony here
14 today with anyone?

15 A. With God.

16 Q. Anybody else?

17 A. With God.

18 Q. Anybody else?

19 A. With God.

20 MR. SCHLEIN: Objection; asked and answered.

21 Q. Thank you for your time today.

22 CROSS-EXAMINATION

23 BY MR. SCHLEIN:

24 Q. Every signature on 43 you obtained personally?

25 A. Yes.

J. Jenkins - Petitioner - Cross

1 Q. And is your answer the same for pages 44?

2 A. Yes.

3 Q. 45?

4 A. Yes.

5 Q. Now, did you receive a subpoena to come here today, a
6 piece of paper?

7 A. Yes, I did.

8 Q. May we see that please?

9 (Document submitted.)

10 Q. Did you receive a payment with the subpoena?

11 A. Yes.

12 (Document submitted.)

13 Q. It's a money order. I will return the money order, and
14 I will return the subpoena. But I know Mr. Dunn is such an
15 honorable individual, he will also give you the \$3.00 that he
16 shortchanged you when you got that check. Thank you.

17 THE COURT: Anything else?

18 MR. SCHLEIN: No.

19 MR. DUNN: Not for this witness.

20 (Witness excused.)

21 MR. DUNN: The final witness I want to call this
22 morning is Rosella Grey.

23 MR. SCHLEIN: Mr. Dunn, this gentleman subpoenaed
24 Ms. Grey who will testify now, but she is also here with her
25 daughter who has relevant testimony to give on this matter.

Rosella Gregg - Petitioner - Direct

1 I know this is Mr. Dunn's case, but I would like to call --

2 THE COURT: Call her out of order?

3 We will do them both. No objection? Okay.

4 (Brief pause.)

5 THE COURT: Good morning.

6 THE WITNESS: Good morning.

7 THE COURT: Raise your right hand.

8 R O S E L L A G R E G G, called by and on behalf of the
9 Petitioner, having been first duly sworn, was examined and
10 testified as follows:

11 THE COURT: State your name for the record and
12 spell it.

13 THE WITNESS: Rosella Gregg, R-O-S-E-L-L-A,
14 G-R-E-G-G.

15 DIRECT EXAMINATION

16 BY MR. DUNN:

17 Q. Good morning. Could you please give I was your address
18 please?

19 A. 237 East 167th Street, 1C, Bronx, New York.

20 Q. Thank you very much. My name Donald Dunn and I am the
21 attorney who represents the petitioner in this case. I will
22 start by showing you a document which is Volume BX 1400197?

23 THE COURT: Mr. Dunn, you could just use the last
24 three numbers.

25 MR. DUNN: Thank you.

Rosella Gregg - Petitioner - Direct

1 Q. Before I show it to you, I will show it to counsel.

2 MR. SCHLEIN: Thank you very much.

3 (Documents submitted.)

4 Q. Thank you. I will show this document to you and please
5 tell me if you recognize this, Mr. Gregg.

6 (Document submitted.)

7 A. Yes.

8 Q. And what is this document?

9 A. This is a petition for the Democratic club. I mean ...

10 Q. I am sorry. Were you finished with the -- you said "I
11 mean" and you trailed off.

12 A. Petition to put the person that you signing for on the
13 ballot for the election.

14 Q. And is that your name and address at the bottom of the
15 page?

16 A. Yes, it is.

17 Q. And is that your signature?

18 A. Yes, it is.

19 Q. And have you ever, other than this petition, in prior
20 years or prior races, other races, did you ever gather signatures
21 for designated petitions before?

22 A. Yes, I have.

23 Q. When did you first come into possession of these
24 petition sheets?

25 A. On May 28th.

Rosella Gregg - Petitioner - Direct

1 Q. And where was that?

2 A. At the Democratic club.

3 Q. Who gave the petition sheets to you?

4 A. They were given out by Vanessa Gibson. Vanessa was
5 giving ballots out.

6 Q. Okay.

7 A. Petitions.

8 Q. And were you given any instructions when you received
9 the petition sheets regarding how to complete the sheets?

10 A. Yes.

11 Q. What were you told?

12 A. We were told to get the signatures and show your I.D.
13 for safety, you would go with two people to go. And show your --
14 the form that they give you stating that you were allowed to get
15 the petition signed.

16 Q. And who gave you these instructions?

17 A. These instructions were in our folders with the
18 petitions.

19 Q. And was anything else in the folder with the petitions?

20 A. Not that I know. The people that -- to notify the
21 people that were running.

22 Q. I don't understand the answer. What do you mean the
23 people that --

24 A. I mean, you had the person that was on the petition.

25 Q. Meaning Latoya Joyner and the folks up here?

Rosella Gregg - Petitioner - Direct

1 A. Yes.

2 Q. And how long after you received the petitions did you
3 start gathering signatures?

4 A. The next day.

5 Q. And where did you go first?

6 A. I went to my building. I went on College Avenue -- not
7 College. Giles Place. I went on -- down further -- I think on
8 Sherman.

9 Q. Let's start with the very first place you went.
10 Do you remember the first door you knocked on to get
11 petition signatures?

12 A. The first door?

13 Q. Yes.

14 A. I think my door.

15 Q. Your door?

16 A. Yeah.

17 Q. And whose signature did you get?

18 A. My granddaughter.

19 Q. What is her name?

20 A. Eileen Gregg.

21 Q. Okay.

22 A. I think that was her.

23 Q. And did you get anyone else's signature at your house,
24 other than your granddaughter Eileen Greg?

25 A. I don't know if I got them at the same time, but I have

Rosella Gregg - Petitioner - Direct

1 Tina Garcia, my granddaughter. I also have my son, Kevin Gregg,
2 my daughter, Andrea Gregg. April Gregg as well. Now she is --
3 her last name changed.

4 Q. And those names that you just gave, are those all
5 people who reside at your residence?

6 A. Yes.

7 Q. And after that first signature that you obtained in
8 your house from your granddaughter, where did you go next?

9 A. Well, I went in my building. I went -- I don't know
10 exactly where all the places I went.

11 Q. Do you recall how many places you went on that first
12 day you were gathering signatures?

13 A. I filled up -- I went in my building. I went on Grant
14 Avenue. I went on Carol Place. All those were done trying to
15 get people -- the ones that I didn't get before I went to work, I
16 got them when I came home.

17 Q. At the end of that -- the first day of gathering
18 signatures, what did you do with the petition sheets?

19 A. The petition sheets, I called for them to go into the
20 office.

21 Q. And who did you call?

22 A. I called Benny. And who else did I call? And I called
23 Vanessa.

24 Q. What did you tell them?

25 A. That I was finished with my petitions and where do I

Rosella Gregg - Petitioner - Direct

1 take them.

2 Q. And what did they say?

3 A. They said they will give me a call and tell me where.

4 Q. And did someone call you back with that information?

5 A. Yeah, they call me back.

6 Q. What did they say?

7 A. That I would have to wait to have them either picked up

8 or me taking them to an office.

9 Q. What did you end up doing, taking them or wait?

10 A. I waited.

11 Q. Did somebody eventually pick up the petition sheets
12 from you?

13 A. Yeah.

14 Q. Who was that?

15 A. That was Vanessa.

16 Q. Vanessa who?

17 A. Yes.

18 Q. What is her last name?

19 A. Gibson.

20 Q. And the telephone call you made to ask for the sheets
21 to be turned in or picked up, was that at the end of the first
22 day of gathering signatures?

23 A. Yeah.

24 Q. First day.

25 A. Yes.

Rosella Gregg - Petitioner - Direct

1 Q. And how many days did you gather signatures for this
2 petition sheet?

3 A. One day.

4 Q. One day?

5 A. Yes. I only -- I wanted to did them, done them and out
6 the way.

7 Q. And did you have any help carrying your petition
8 sheets?

9 A. I carry -- my daughter escorted me. And the name is
10 Andrea Gregg.

11 Q. Did you have any other help other than your daughter
12 walking with you?

13 A. No.

14 Q. Did --

15 A. I did the rest myself.

16 Q. Pardon me?

17 A. I did it myself.

18 Q. Calling your attention please to page 29.

19 (Document submitted.)

20 Q. The date at the bottom of the statement of witness,
21 next to the signature, did you write that date?

22 A. Yes.

23 Q. The date in column one of this page, did you write that
24 date?

25 A. I wrote -- I wrote some of them.

Rosella Gregg - Petitioner - Direct

1 Q. Did you say "I wrote some of them?"

2 A. Yes.

3 Q. Are there some you did not write?

4 A. The people filled it in they self.

5 Q. And the -- by "people" you mean the people that signed
6 the petition?

7 A. Yes.

8 Q. Did you discuss your testimony here today with anyone?

9 A. My testimony?

10 Q. Yes.

11 A. No.

12 Q. Did you talk about this case or the subpoena that you
13 received with anyone?

14 A. No, I wanted to know why we were here.

15 Q. Did you ask anyone why you were here?

16 A. Yes.

17 Q. Who did you ask?

18 A. Another person at the desk. She didn't know.

19 Q. And anyone else?

20 A. Not really, no.

21 Q. Really. Did you talk to Benny Cattalo this morning
22 about your testimony?

23 A. I called him and told him I was here. I didn't tell
24 him about testimony. I didn't know I had to testify.

25 Q. When did you call him please?

Rosella Gregg - Petitioner - Direct

1 A. I called him and told him I got a subpoena.

2 Q. Was that today or prior to today?

3 A. Prior to today.

4 Q. And what did he say?

5 A. He told me, you know, he find out what it was about and
6 let me know.

7 Q. And did you have a subsequent conversation?

8 A. This morning. I told him I had a subpoena.

9 Q. And what did he say?

10 A. He said that he'll see me here.

11 Q. Anybody else?

12 A. No, about it.

13 Q. By "about it", is there anything else that you
14 discussed?

15 MR. SCHLEIN: Objection.

16 THE COURT: Sustained. Sustained.

17 Anything further, Mr. Dunn?

18 MR. DUNN: One additional question.

19 Q. Do you know who Andrew Pitts is?

20 A. Who.

21 Q. Andrew Pitts?

22 A. Yes.

23 Q. Who is he?

24 A. He is a neighbor. Across in the other side of my
25 building.

Rosella Gregg - Petitioner - Direct

1 MR. DUNN: I would like to show the witness for
2 identification purposes Exhibit 17 to the verified petition.
3 And if your Honor wants to use the original for that purpose
4 I can --

5 MR. SCHLEIN: May I see it?

6 MR. DUNN: Sure. It's my copy.

7 (Document submitted.)

8 A. Who wrote this? This is a lie. This is a lie.
9 Because I got his signature.

10 Q. So I will represent to you --

11 MR. SCHLEIN: May the record reflect that the
12 witness is identifying that statement, Exhibit --

13 THE COURT: 17.

14 MR. SCHLEIN: 17. And referring to that in her
15 statement.

16 THE COURT: Yes.

17 MR. DUNN: Yes.

18 Q. I will represent an answer to your question what this
19 is. This is an affidavit that was written, paragraph 2, by
20 Mr. Pitts and signed by him. An affidavit is an oath, just like
21 a --

22 MR. SCHLEIN: Objection.

23 A. This is --

24 MR. SCHLEIN: Objection.

25 THE COURT: Okay. Move on. Just ask the

Rosella Gregg - Petitioner - Direct

1 question.

2 Q. As could you see, Mr. Pitts states that he --

3 MR. SCHLEIN: Objection.

4 THE COURT: Okay. She read it and she said that
5 was a lie.

6 Continue from there.

7 Q. So Mr. Pitts' affidavit is a lie then?

8 A. Yes, it's a lie.

9 Q. Okay.

10 A. Can he be brought in here? I will tell him to his
11 face.

12 Q. And what part of it is a lie?

13 A. When he says that here Angie Gregg is the person that
14 took my signature, that is a lie.

15 Q. Who is Angie Gregg?

16 A. That is my daughter. And I went to his house and got
17 his signature.

18 Q. Was your daughter with you?

19 A. No.

20 Q. Did you testify earlier that your daughter did
21 accompany you --

22 A. On Grant Avenue.

23 Q. But not to Mr. Pitts' apartment?

24 A. No, that is my building.

25 Q. Okay.

Rosella Gregg - Petitioner - Direct

1 MR. DUNN: Nothing further for this witness.

2 Thank you very much for your time.

3 THE COURT: Mr. Schlein.

4 MR. SCHLEIN: I do. In fact, I would defer to Mr.
5 Dunn and skip the -- you could give her the \$3.00.

6 MR. DUNN: We could stip to that.

7 MR. SCHLEIN: I have no questions.

8 THE COURT: Thank you so much.

9 THE WITNESS: Thank you.

10 MR. DUNN: It was that check.

11 MR. SCHLEIN: Was that check signed? Off the
12 record.

13 THE COURT: Yes.

14 (Discussion off the record.)

15 THE COURT: Do you have anything else for this
16 morning?

17 MR. SCHLEIN: I do want to renew my application.

18 THE COURT: We will discuss it off the record.

19 MR. SCHLEIN: That is fine.

20 (Brief pause.)

21 THE COURT: With respect to witnesses, Mr. Dunn,
22 are those all the witnesses you have for this morning?

23 MR. DUNN: Yes.

24 THE COURT: Are you anticipating anybody this
25 afternoon?

Proceedings

1 MR. DUNN: Not anybody this afternoon.

2 THE COURT: Okay. Continue. I interrupted you.

3 MR. DUNN: I do want to check the sign-in log one
4 final time to make sure nobody else came in.

5 THE COURT: Let's do that now. We are still on
6 the record until he finishes that.

7 MR. DUNN: I will check that.

8 MR. SCHLEIN: Then we will do it sequentially.

9 THE COURT: Yes. Thank you.

10 (Brief recess.)

11 MR. DUNN: Nobody else appears to be here. That
12 is all for today.

13 THE COURT: We are adjourning with respect to
14 testimony until tomorrow morning.

15 MR. DUNN: Yes.

16 MR. SCHLEIN: Yes.

17 THE COURT: Off the record?

18 MR. SCHLEIN: I would like to stay on the record
19 now please. I renew my request. We have provided now -- I
20 know 2:15 as your Honor indicated is the time we are
21 supposed to receive a Bill of Particulars. We were told by
22 Mr. Segreti we are prepared to move throughout this process.
23 Fine, we take testimony this morning. Mr. Dinowitz is here,
24 and his staff, who is prepared to work line-by-line on these
25 voluminous line-by-line objections. Could we commence that

Proceedings

1 at 2:15?

2 THE COURT: Basically I wanted to see how things
3 were --

4 MR. SCHLEIN: Now we completed five witnesses.

5 THE COURT: With respect to a line-by-line --

6 MR. SCHLEIN: Four witnesses.

7 THE COURT: Are there any volumes that don't
8 involve people that you plan to call as a witness? That
9 will be straight line-by-lines?

10 MR. DUNN: If you want to give me a minute to go
11 through and see what might be the low hanging fruit to the
12 extent you want to get started earlier I could certainly do
13 that.

14 MR. SCHLEIN: Again, there is no testimony this
15 afternoon.

16 THE COURT: We will do some line-by-line. We are
17 finding out what is the most expeditious --

18 MR. SCHLEIN: Whatever volumes --

19 MR. DUNN: 198 is the largest volume. The
20 greatest number of sheets that are effected by forgery,
21 fraud or -- certainly if we are going to do anything this
22 afternoon, it would be volume 197 or 199.

23 THE COURT: We will proceed with 197.

24 (Whereupon, there was an off-the-record discussion
25 at this time.)

Proceedings

1 THE COURT: You will have access. Hopefully it
2 will be done.

3
4 * * * *

5 Certified to be a true and accurate transcript of
6 the stenographic minutes taken within.

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9 Tal R. Hahn,
10 Senior Court Reporter
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